IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1259 OF 2005
IN
SUIT NO.3954 OF 2003

Hotel & Resort Ventures (P) Ltd.& Anr. ....Plaintiffs
V/s.
Amarnath Shroff & Ors. ....Defendants

Ms.Nandini Khaitan i/b H.K. Sudhakaran for the Plaintiff.
Mr.Madhur Rai i/b Negandhi Shah & Himayatullah for Defendant Nos.1 to 8, 18 to 66, 82 and 84.

CORAM : S.J. VAZIFDAR, J.
DATED : 9TH JANUARY, 2006.

P.C. :

1. The Chamber Summons is taken out by the Defendants for inspection of the original of Exhibit "C" to the plaint. The Defendants have also sought an order of dismissal of the suit in the event of the Plaintiffs failing to give inspection.

2. In the affidavit in reply, the Plaintiffs have contended that the document at Exhibit "C" to the plaint is an admitted document and that the Defendants never denied the same. That however, would not be a ground for refusing to give the inspection of the document. However, it is important to note that the

Plaintiffs have expressly stated in the affidavit in reply that the original document is presently not traceable. It is in view of this statement alone that an order for inspection is not granted. Ms.Khaitan, the learned counsel appearing on behalf of the Plaintiffs states that the moment the original document is found, inspection thereof will be given to the Defendants.

3. The statement whether the original is actually not traceable at the moment is not relevant. These are facts which have to be established at the hearing of the suit.

4. In the circumstances, the Chamber Summons is dismissed.